

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: EIND, IN

SUBJECT: COPYRIGHT - INDIAN RATIFICATION OF 1971 TEXT OF UCC

1. INDIA DEPOSITED ITS INSTRUMENT OF RATIFICATION REGARDING PARIS ACT (1971) OF THE BERNE COPYRIGHT CONVENTION ON OCTOBER 7, 1974. DURING PAST SEVERAL MONTHS WE HAVE RECEIVED INFORMATION FROM VARIOUS SOURCES (E.G. ASSOCIATION OF AMERICAN PUBLISHERS) THAT GOI WAS ABOUT TO ADHERE TO THE PARIS ACT (1971) OF THE UNIVERSAL COPYRIGHT CONVENTION, WHICH IS GENERALLY A PARALLEL TEXT OF THE 1971 REVISION OF THE BERNE CONVENTION.

2. UNESCO US PERMDEL IN PARIS ADVISED DEPARTMENT JUNE 12, 1975 THAT GOI HAS NOT DEPOSITED INSTRUMENT OF RATIFICATION TO 1971 TEXT OF UCC. THE 1971 TEXT OF UCC ENTERED INTO FORCE ON JULY 10, 1974. PURPOSE OF 1971 TEXT OF UCC IS TO SATISFY PRACTICAL NEEDS OF DEVELOPING COUNTRIES FOR ACCESS TO EDUCATIONAL, SCIENTIFIC AND TECHNICAL WORKS, WITHOUT WEAKENING THE STRUCTURE AND SCOPE OF COPYRIGHT PROTECTION

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OFFERED BY DEVELOPED COUNTRIES UNDER BOTH THE UCC OF 1952

AND BERNE CONVENTION. UNDER 1971 TEXT OF UCC ANY DEVELOPING COUNTRY MAY PERMIT COMPULSORY LICENSING WITH RESPECT TO TRANSLATION AND REPRODUCTION OF WORKS FOR EDUCATIONAL PURPOSES. SUCH COMPULSORY LICENSING MAY NOT TAKE PLACE UNTIL

EXPIRATION OF SPECIFIED TERMS AFTER FIRST PUBLICATION AND MUST MAKE PROVISION FOR ADEQUATE COMPENSATION FOR SUCH USE. SPECIFIC PERIODS HAVE BEEN ESTABLISHED FOR TRANSLATIONS TO GIVE THE COPYRIGHT PROPRIETOR AN OPPORTUNITY TO NEGOTIATE AN ACCEPTABLE LICENSING AGREEMENT WITH A PROSPECTIVE LICENSEE BEFORE A COMPULSORY LICENSE IS ISSUED.

3. GOI PLAYED AN IMPORTANT ROLE IN THE PREPARATORY MEETINGS AND IN THE DIPLOMATIC CONFERENCE IN PARIS IN 1971 WHICH ADOPTED THE 1971 TEXT OF THE UCC. IN VIEW OF THIS FACT AND GOI RATIFICATION OF 1971 TEXT OF BERNE CONVENTION, DEPARTMENT, COPYRIGHT OFFICE AND U.S. PUBLISHERS ARE PUZZLED WHY GOI HAS NOT YET ACCEDED TO 1971 TEXT OF UCC. FURTHER, SINCE GOI HAS RATIFIED BERNE CONVENTION (PARA 1), DEPARTMENT IS UNABLE TO UNDERSTAND WHY GOI DID NOT ALSO RATIFY 1971 TEXT OF UCC.

4. ACTION REQUESTED: (A) DEPARTMENT WOULD APPRECIATE EMBASSY CONTACTING APPROPRIATE GOI OFFICIALS FOR ANY AVAILABLE INFORMATION REGARDING GOI ADHERENCE TO 1971 TEXT OF UCC. (B) WE WOULD ALSO LIKE TO HAVE ANY INFORMATION ON, OR TEXT OF ANY CHANGES IN, INDIAN COPYRIGHT LAW THAT MAY HAVE BEEN MADE AS A RESULT OF INDIAN ADHERENCE TO THE 1971 TEXT OF BERNE. INGERSOLL

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